

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

FILED

SEP 30 1996

DAVID W. DANIEL, CLERK  
U.S. DISTRICT COURT  
E. DIST. NO. CAR.

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IN RE STUCCO LITIGATION

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Master File No. 5-96-CV-287-BR(2)

THIS DOCUMENT RELATES TO:

ALL CASES

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**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Plaintiffs, by their attorneys, hereby move the Court for class certification pursuant to Rules 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure.

Plaintiffs seek to represent a class consisting of all persons in the United States who have an ownership interest in a house or other residential structure with Exterior Insulation and Finish System ("EIFS") cladding manufactured and/or distributed by Dryvit Systems, Inc; STO Corporation; Thoro System Products, Inc.; Parex, Inc.; Synergy, Inc.; United States Gypsum Company; Finestone Corporation a/k/a Anthony Industries, Inc.; Continental Stucco Products; Pleko Southeast, Inc.; Shield Industries, Inc.; European Stucco; and Thomas Waterproof Coatings Co. (collectively, the "Defendants") and installed during the January 1, 1986 through December 31, 1995 class period. Included in this class are the following subclasses:

1) Negligence Subclass: All persons in the United States, excluding residents of Louisiana, New Jersey, Ohio, Washington, Alabama, New York and Virginia, who have an ownership interest in a house or other residential structure with EIFS cladding manufactured and/or distributed by any of the Defendants;

2) Unfair and Deceptive Trade Practices Subclass: All persons in the United States, excluding residents of Arizona, Georgia, Indiana and Wyoming, who have an ownership interest in a house or other residential structure with EIFS cladding manufactured and/or distributed by any of the Defendants;

3) Implied Warranty of Fitness Subclass: All persons in the United States, excluding residents of Alabama, Arizona, Florida, Idaho, Indiana, Iowa, Kentucky, New York, Washington and Wisconsin, who have an ownership interest in a house with EIFS cladding manufactured and/or distributed by any of the Defendants;

4) Express Warranty Subclass: All persons in the United States, excluding residents of Louisiana, who have an ownership interest in a house with EIFS cladding manufactured and/or distributed by any of the Defendants; and

5) Punitive Damages Subclass: All persons in the United States, excluding residents of Louisiana, Massachusetts, Nebraska, New Hampshire and Washington, who have an ownership interest in a house with EIFS cladding manufactured and/or distributed by any of the Defendants.

In support of their motion, Plaintiffs rely upon the accompanying memorandum of law and appendix thereto, which is incorporated by reference as if fully set forth herein.

Dated: September 30, 1996

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